

CLOSED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Hon. Esther Salas

Plaintiff,

Civil Action No. 11-5963 (ES)

v.

DEFAULT JUDGMENT AND
FINAL ORDER OF
FORFEITURE

ASSORTED COMBINATION OF
PSEUDOEPHEDRINE TABLETS
VALUED AT \$993,520.00,

Defendant *in rem*.

WHEREAS, on or about October 12, 2011, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against an assorted combination of Pseudoephedrine tablets valued at \$993,520.00 (the "Defendant Property") to enforce the provisions of 21 U.S.C. § 881(a)(9), which subjects to forfeiture to the United States "[a]ll listed chemicals, all drug manufacturing equipment, all tableting machines, all encapsulating machines, and all gelatin capsules, which have been imported, exported, manufactured, possessed, distributed, dispensed, acquired, or intended to be distributed, dispensed, acquired, imported, or exported in violation of [21 U.S.C. § 801 *et seq.*]."

WHEREAS, pursuant to the Warrant for Arrest In Rem issued by the Clerk

of the Court on or about October 14, 2011, the United States Marshal's Service for the District of New Jersey seized the Defendant Property.

WHEREAS, on or about January 9, 2012, the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent certified mail, return receipt requested and regular mail to Kwaliti Pharmaceuticals, Tung Bala, Majitha Road Amritsar, Punjab, 143 004 India. (See Declaration of Lakshmi Srinivasan Herman, hereinafter Herman Decl. Exhibit A.)

WHEREAS, on or about January 24, 2012, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and Notice of Forfeiture were received by Kwaliti Pharmaceuticals, Tung Bala, Majitha Road Amritsar, Punjab, 143 004 India. (*Id.*)

WHEREAS, on or about April 18, 2012, a Request of the Clerk of the Court for Entry of Default was filed in the United States District Court for the District of New Jersey against Kwaliti Pharmaceuticals for any interest they may have in the Defendant Property. (*See* ECF Docket #4)

WHEREAS, on or about April 18, 2012, the Clerk for the United States District Court for the District of New Jersey entered Default against Kwaliti Pharmaceuticals for any interest they may have in the Defendant Property.

WHEREAS, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, Notice of Civil Forfeiture was posted on an official internet government forfeiture website, namely www.forfeiture.gov for at least 30

consecutive days, beginning on September 25, 2012, notifying all third parties of their right to file a claim with the Court within 60 days from the first day of publication for a hearing to adjudicate the validity of their alleged legal interest in the property. (See Herman Decl. Exhibit B.)

WHEREAS, no conforming Claim has been filed within the time required by Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and 18 U.S.C. § 983(a)(4)(A) for the Defendant Property.

NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED

AND DECREED:

1. That a Default Judgment and a Final Order of Forfeiture is granted against the Defendant Property, namely an assorted combination of Pseudoephedrine tablets valued at \$993,520.00, and no right, title or interest in the Defendant Property shall exist in any other party; and

2. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived as a result of the United States Marshal's Service management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the United States Marshal's Service into the Department of the Justice Forfeiture Fund, in accordance with the law.

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this

2nd

day of

July

, 2012



HONORABLE ESTHER SALAS
UNITED STATES DISTRICT JUDGE